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SUBJECT: DIYARBAKIR BAR PRESS RELEASE ON SEMDINLI BOMBING INCIDENT

1. (SBU) Summary: The Diyarbakir Bar Association is one of the few credible NGO's in southeastern Turkey and its voice represents the segment of Kurdish civil society in the region which is less influenced by the PKK. Its press report, translated below, is a call to action for the GoT and an expression that the Semdinli incident should be a watershed moment in the GoT's effort to hold its security services accountable in many instances of unexplained and suspicious incidents in the region. Because of its autonomy from the PKK, its statements may gain some traction with some GoT circles. End summary.

2. (U) Begin translation:

Diyarbakir Bar Presidency

Number: 2005/1659

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Diyarbakir

TO PRESS AND PUBLIC

"THE INCIDENT IN SEMDINLI MUST BE A TURNING POINT AND JUSTICE MUST BE REALIZED"

With the bombing and assassination incident in Semdinli, the state's unlawful planting of cells of agents within the units of the security forces has once more become apparent. These establishments within the Security Units have committed many crimes all over Turkey since the beginning of 1990, primarily in the region under the (OHAL) State of Emergency Rule. It is known that there are still hundreds of extrajudicial killings, disappearances under forced detention, torture cases, bombings, etc.; incidents that these establishments, which have been in existence for years, have been involved in and which have not yet been brought to light. Likewise, article 23 of the "Suggestions on Measures Needed to Be Taken" section of the TNA's (Turkish National Assembly) Parliamentary Commission's Report on Research on Mysterious Political Assassinations, submitted to the TNA Presidency in 1995, expresses precisely the view that "as explained in related chapters, it has been determined by our Commission that village guards, confessors (PKK defectors) and JITEM (Jandarma Intelligence Center) members have been involved in many illegal actions; and application should be made to the Justice Ministry for obtaining permission to conduct investigations against them; and that the judicial organs should be assisted through a special commission to be formed under the umbrella of the esteemed Assembly." In the "Conclusion and Assessment" section of the Prime Ministry Inspection Committee's Report submitted to the Prime Ministry, and which was known as the "Susurluk Report" on public opinion, the following views have been expressed: "The Susurluk mentality (of collusion among the state, security forces, politicians and organized crime) stemmed from preferences in Ankara and developed in the OHAL (State of Emergency Rule) regions, then spread to large metropolitan areas, and expanded by including appropriate events and persons. Finally, a multi-phased and deep relationship has been established (among these entities),.." Similar determinations have been made in the "General Assessment" section of TNA's Susurluk Inspection Commission's Report on the "Susurluk Case," stating that "there are structural disorders in the state's secret intelligence organizations. It is understood that these organizations have participated in operations and affairs other than their principal tasks. Therefore it is difficult to ascertain whether or not they have been involved in outlawed activities and even obeyed their own regulations." This report had also been submitted to the TNA's Presidency for action.

On the other hand, the Diyarbakir Bar Association for years has drawn attention to the actions undertaken by these illegal organizations and has brought suits against them. Finally, based on solid evidence, the Diyarbakir Bar Presidency sued on February 8, 2005, JITEM members, including some high ranking administrative and military officers at that time; but unfortunately no concrete progress has been achieved in the investigations since then.

All of the public is aware of the evidence of the bombing and killing in the Semdinli township of Hakkari by these same illegal organizations now. This incident can not be brushed

aside with "The incident is at the court~" statements by some institutions. The judiciary in Turkey has not been successful in unveiling the illegal establishments, interrogating their members or punishing the ones responsible for them up to now. "The case is being handled by the court" statements are perceived by the public as meaning that this incident will also be covered up, it will not be unveiled and the perpetrators will not be brought to justice. We are aware of tens of similar incidents handled by the courts in this fashion.

The incident in Semdinli must be a turning point. The principle of rule-of-law must win this time, and it must be shown that illegal cells hiding behind their official public authority do not have the privilege of committing crimes. It is impossible to protect democracy and internal peace in a place where justice fails against individuals bestowed with public power and authority. Up to now, the Government has not done/could not do what fell on its shoulders during its three years in office. Taking this incident as an opportunity, the Government must take action; take the necessary steps to unearth the illegal establishments within the state; form the necessary mechanisms that would unearth the crimes these unlawful organizations have committed in the past; and embark on serious effort to bring the perpetrators of past crimes to justice.

13. (U) End translation.

REID